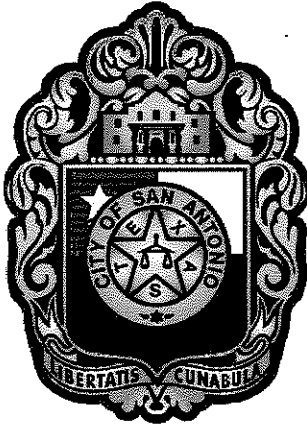


CITY OF SAN ANTONIO



Administrative Directive

AD 4.24 Reporting Arrests, Indictments and Convictions

Procedural Guidelines

Policy and procedures applicable to self-reporting of arrests, indictments and convictions

Department/Division

Human Resources

Effective Date

March 15, 2010

Project Manager

Charles Kesl, Sr. HR Analyst

Purpose

The City of San Antonio (City) is committed to protecting the safety, health and well being of its employees, citizens, and customers. In an effort to comply with the City's Municipal Civil Service Rules and maintain a safe environment the City will require current employees to report all personal arrests, indictments and convictions.

Policy

In addition to the provisions concerning self-reporting of convictions by employees in sensitive positions within Administrative Directive 4.55, Criminal Background Checks for Employees, this Administrative Directive requires employees to whom this policy applies (employees) and applicants for employment (applicants) to disclose all arrests, indictments and convictions for any reason.

Policy Applies To

☒ External & Internal Applicants

☒ Current Temporary Employees

☒ Current Full-Time Employees

☒ Current Volunteers

☒ Current Part-Time Employees

☒ Current Grant-Funded Employees

☒ Current Paid and Unpaid Interns

☒ Police and Fire Academy Trainees

☐ Uniformed Employees Under Collective Bargaining Agreements

Definitions

Applicant:

An individual who applies for an open position with the City of San Antonio, whether the individual is an outside candidate or a current employee of the City.

Arrest:

When an individual has been taken or detained in custody by authority of law.

Charged:

A formal legal accusation of a criminal offense.

Criminal Background Checks:

Is completed during In-Processing for all newly hired City employees. The information collected through a criminal justice agency.

Criminal Offense:

The body of statutory and common law that deals with crime and the legal punishment of criminal offenses.

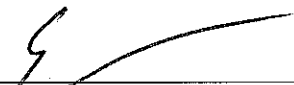
<u>Indictment:</u>	A formal written statement framed by a prosecuting authority and found by a jury (as a grand jury) charging a person with an offense.
Policy Guidelines	
The purpose of the following guidelines is to apply this Administrative Directive consistently and fairly to all current employees and applicants.	
<u>Procedures:</u>	<p>The San Antonio Police Department will alert the Human Resources Department when an employee is arrested. Human Resources will provide details of the arrest to the employee's department and Human Resources Generalist (HRG).</p> <p>Self Reporting</p> <p>A. Current Employees</p> <ol style="list-style-type: none"> 1. Current employees are required to report an arrest, indictment, or conviction to their immediate supervisor or the next higher ranking supervisor available. Any employee arrested, indicted or convicted for criminal offense, must provide written notification using Notification of Employee Arrest, Indictment or Criminal Conviction form (Attachment A) of such incident within three (3) calendar days. The employees must provide verbal notification on the next workday after the incident to their immediate supervisor or higher. Upon learning of the incident, the supervisor and HRG should conduct an investigatory discussion with the employee and recommend appropriate action as needed. 2. Once the initial investigation of an arrest, indictment, or conviction has been completed, the incident will be evaluated on a case-by-case basis by the Department Director or designee and Human Resources Generalist. A number of factors will be reviewed, including, but not limited to the employee's longevity, experience, performance, disciplinary action record, and the relevance of the incident to the employee's duties. 3. The employee must also provide written notification to their HRG of changes to the status of their case. 4. If it is discovered the employee did not report the arrest, indictment or conviction to the department within three (3) calendar days, the immediate supervisor and HRG should conduct an investigatory discussion with the employee and recommend appropriate action as needed. Failure to adhere to this policy shall be deemed insubordination and shall constitute grounds for disciplinary action up to termination. 5. Criminal history record information will be made part of the applicant's personnel file, which is centrally maintained by Human Resources. <p>B. Applicants</p> <ol style="list-style-type: none"> 1. Prior to conducting the criminal background check, Human Resources will obtain the signed, written consent from the potential employee. 2. Criminal history information will be used only for the purpose of evaluating applicants for employment and shall in no way be used to discriminate on the basis of race, color, national origin, religion, sex, disability age or sexual orientation. This policy does not automatically exclude from consideration for employment all individuals with criminal convictions. 3. If an applicant has an arrest, indictment or conviction on their background check results, the City will consider the following when making a decision: the nature and/or severity of the offense, the length of time since the incident and the nature of the position for which the applicant is applying.

<u>Attendance:</u>	<ol style="list-style-type: none"> 1. Absences occurring while the employee is under arrest are subject to the provisions of Administrative Directive 4.2, Workplace Attendance and departmental guidelines. 2. Employees shall not work for the City under a “work release” program. 3. A partial day absence occurring as a result of being arrested during the employee’s work shift shall be deemed as an unauthorized early departure.
<u>Violations:</u>	<ol style="list-style-type: none"> 1. The City may take disciplinary action against an employee who is arrested or indicted based on violation of Municipal Civil Service Rule XVII, even if there is no resulting conviction. 2. Any violation of this Administrative Directive including intentional omission or falsification of information, failure to report arrests, indictments or convictions by an employee will be subject to disciplinary action up to and including termination. 3. Any intentional omission or falsification of information by an applicant, including failure to report arrests, indictments or convictions will result in termination of application processing.
Roles & Responsibilities	
<u>San Antonio Police Department:</u>	<ol style="list-style-type: none"> 1. Runs a fingerprinting check and criminal background check on applicants and employees as needed and routes the results to the Human Resources Department. 2. Sends employee arrest data to the Human Resources Department for their review.
<u>Employees:</u>	<ol style="list-style-type: none"> 1. Employees must read and adhere to the provisions of this Administrative Directive. 2. Employees are required to report, in writing, an arrest, indictment, or conviction to their HRG and immediate supervisor or the next higher ranking supervisor within three (3) calendar days. The employees must provide verbal notification on the next workday after the incident to their immediate supervisor or higher. 3. Employees must also provide written notification to their HRG of changes to the status of their case.
<u>Human Resources</u>	<ol style="list-style-type: none"> 1. Assists all departments in applying this Administrative Directive by covering this policy during new employee in-processing. 2. Receives and reviews arrest data and any additional information from the San Antonio Police Department. Such data will be maintained by Human Resources in the employee’s personnel file. 3. Responsible for notifying the department of the arrest, indictment or conviction data received from the San Antonio Police Department or from an employee. 4. The Human Resources Generalist will track an employee’s case through its final disposition. This information will be kept in the employee’s personnel file. 5. Provide assistance to the department in making a decision regarding disciplinary action. 6. Responsible for ensuring the criminal background check is completed.

Departments:

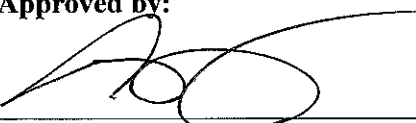
1. The department must provide a copy of this Administrative Directive and acknowledgement form (Attachment B) to each employee who was not covered during new employee in-processing.
2. The department, in conjunction with Human Resources will determine if the conviction is job-related.
3. Work in consultation with the Human Resources Department to determine what action, if any, is required under this Administrative Directive.
4. Must ensure the confidentiality of information related to any employee's arrest, indictment or conviction. This information shall not be stored in the employee's field folder.
5. Once the investigation of the employee's arrest, indictment or conviction has been completed by the HRG and department, the Department Director will consult with the Human Resources Department for recommendation of the employee's continued work status.

This directive supersedes all previous correspondence on this subject. Information and/or clarification may be obtained by contacting the Human Resources Department.


Elizabeth Braune
Human Resources Director

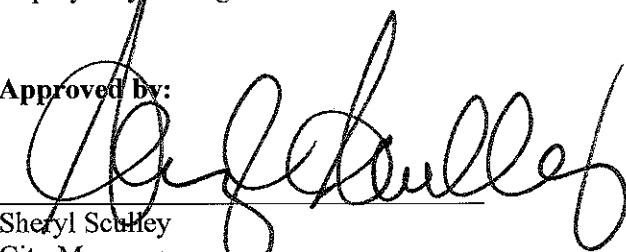
2/24/10
Date

Approved by:

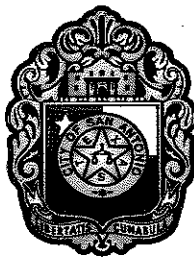

A. J. Rodriguez
Deputy City Manager

2/24/10
Date

Approved by:


Sheryl Schley
City Manager

3-11-10
Date



CITY OF SAN ANTONIO

Notification of Employee Arrest, Indictment or Criminal Conviction

Date: _____

Employee Name: _____ SAP #: _____

Department: _____ Title: _____

Type of Incident (check one): Arrest: _____ Indictment: _____ Conviction: _____

Name of Jurisdiction/Authority: _____

Location (City or County): _____

Nature of Alleged Offense: _____

Date and Time of Arrest, Indictment or Conviction: _____

Release Status: _____

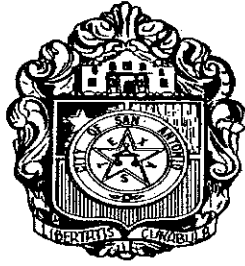
Date of future court appearances if known: _____

Supervisor Name: _____ Title: _____

Supervisor Signature: _____

"I acknowledge the above information is factual. In addition, I will provide written updated information to my supervisor no later than five (5) calendar days after a change in the status of this matter occurs."

Employee's Signature: _____ Date: _____



CITY OF SAN ANTONIO

EMPLOYEE ACKNOWLEDGMENT FORM FOR

ADMINISTRATIVE DIRECTIVE 4.24 Reporting Arrests, Indictments and Convictions

Employee:

I acknowledge that on _____, 20____, I received a copy of Administrative Directive 4.24, Reporting Arrests, Indictments and Convictions. I understand if I should have any questions I should contact my Human Resources Generalist.

Employee Name (Print)

Department

Employee Signature

SAP ID #